UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,121	02/27/2002	Alin D'Silva	01-1008	5040

32127	7590	01/04/2006

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EXAMINER
ELAHEE, MD S

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/084,121	D'SILVA ET AL.
	Examiner	Art Unit	
	Md S. Elahee	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>04 October 2005</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *2,4,5,7,10,12 and 14-16* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *2,4,5,7,10,12 and 14-16* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This action is responsive to an amendment filed 10/04/05. Claims 2, 4, 5, 7, 10, 12 and

14-16 are pending. Claims 3, 8, 9, 13 have been cancelled.

Response to Arguments

2.   Applicant's arguments mailed on 10/04/05 have been fully considered but are moot in

view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness
        or nonobviousness.

5.   This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6.   Claims 2, 4, 5, 7, 10, 12 and 14-16 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Miner et al. (U.S. Patent No. 5,652,789) in view of Lamb et al. (U.S. Patent

No. 6,747,970).

Regarding claims 4, 14 and 15, Miner teaches receiving, via a data network, reminder data

[i.e., event data] associated with the user, the reminder data comprising a contact [i.e., first

telephone number] associated with the one or more parties and a time period for initiating the

call (fig.29, 30; col.40, lines 15-43).

Miner further teaches storing the reminder data in a database (col.40, lines 6-15, 44-64).

Miner further teaches determining that a current time is within the time period for

connecting the call (col.40, line 63- col.41, line 1). (Note; when delivery time comes in, the Cron

agent sends the reminder parcel to the user and the reminder message is for calling up a contact,

therefore, it is clear that the Cron agent determines a current time which is within the time period

for connecting the call)

Miner further teaches notifying the user that the call is about to take place (fig.31; col.41,

lines 6-22).

Miner further teaches sending notification message to the user by sending an e-mail

message (col.8, lines 3-7). However, Miner does not specifically teach "notifying the user by

instant message sent via the data network". Lamb teaches notifying the user by instant message

sent via the data network (fig.12; col.53, lines 37-55, col., lines 53-61). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miner to notify the user by instant message sent via the data network taught by Lamb. The motivation for the modification is to have doing so in order to notify user while user is on-line without having any inconvenience.

Miner further teaches receiving "Call Them" command [i.e., confirmation] from the user via the data network to initiate the call to the one or more parties on behalf of the user (fig.5, 6, 31; col.41, lines 56-63).

Miner further teaches determining a second telephone number associated with the user based on the event data (fig.31; col.40, line 66- col.41, line 22).

Miner further teaches providing the first telephone number and the second telephone number to an electronic assistant (fig.31; col.40, lines 6-43, col.40, line 66- col.41, line 22). However, Miner does not specifically teach "providing the first telephone number and the second telephone number to a server as well as providing the first telephone number and the second telephone number from the server to the telephone network in order to establish the call". Lamb teaches providing the first telephone number and the second telephone number to a server as well as providing the first telephone number and the second telephone number from the server to the telephone network in order to establish the call (fig.3; col.18, lines 20-40, col.20, lines 6-27, col.26, lines 24-55, col.27, line 61-col.28, line 25, lines 33-54, col.41, lines 11-17, col.61, lines 11-61). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miner to incorporate providing the first telephone number and the second telephone number to a server as well as providing the first telephone number and the

second telephone number from the server to the telephone network in order to establish the call

taught by Lamb. The motivation for the modification is to have doing so in order to reduce the

burden on electronic assistant to handle excessive number of call connections.

Miner further teaches establishing the call between the user and the one or more parties

via the telephone network based on the reminder data using the first telephone number and

second telephone number (fig.5, 31; col.11, lines 22-25, col.40, line 66- col.41, line 22, col.41,

lines 56-63).

Regarding claims 2 and 12, Miner teaches updating the database to reflect changes in the

reminder data (fig.32; col.42, lines 7-32).

Regarding claims 5 and 16, Miner teaches establishing at least one reminder data [i.e.,

event record] corresponding to the call, the reminder data comprising user information and a

plurality of telephone identifiers associated with the plurality of parties (fig.29, 30; col.39, line

48, col.40, line 5, col.40, lines 15-34, 55-64).

Miner further teaches associating the reminder data with an event time (col.40, lines 15-

34).

Miner further teaches requesting authorization from the user to initiate the call, based on

a current time and the event time (col.41, lines 53-63). (Note; since the user elects not to

reschedule the reminder, the user authorizes the electronic assistant to place the call)

However, Miner does not specifically teach "requesting authorization from the user by

instant message sent via the data network". Lamb teaches requesting authorization from the user

by instant message sent via the data network (fig.12; col.54, lines 17-41, col.59, line 53-col.60,

line 9). Thus, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Miner to request authorization from the user by instant message

sent via the data network taught by Lamb. The motivation for the modification is to have doing

so in order to dispose important event without having any inconvenience.

Miner further teaches initiating the call to the plurality of parties on behalf of the user

using the plurality of telephone identifiers, based on an affirmative response to the authorization

request from the user, the affirmative response sent by the user over the data network (fig.5, 6;

col.41, lines 53-63, col.42, lines 30-34).

Regarding claim 10 is rejected for the same reasons as discussed above with respect to

claim 4. Furthermore, Miner teaches an electronic assistant [i.e., transmitter] connecting the user

[i.e., caller] via the telephone network to the one or more parties based on the reminder data

(fig.5, 31; col.11, lines 22-25, col.41, lines 53-63).

Regarding claim 7, Miner teaches the electronic assistant system [i.e., calendar system] to

updating the reminder data (fig.32; col.42, lines 7-32).

Conclusion

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The

examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the

organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.E.
MD SHAFIUL ALAM ELAHEE
December 21, 2005

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